

EXHIBIT 108
Unredacted Version of
Document Sought to be Sealed

From: Josh Samra <jsamra@bfalaw.com>
Sent: Tuesday, April 12, 2022 6:03 PM
To: Machin, Amanda C.; *** Service-FB-CA_MDL
Cc: Lesley Weaver; Anne Davis; Matt Melamed; Derek Loeser; Cari Laufenberg; David Ko; Eric Fierro; Adele A. Daniel; Benjamin Gould; Chris Springer; Emma Wright; Angelica Ornelas
Subject: RE: Follow-Up to Meet and Confer re Fourth Amended Categorical Privilege Log | In re Facebook, Inc. Consumer Privacy User Profile Litigation
Attachments: In re Facebook - Pls Proposal re Facebooks Categorical Privilege Log.docx

Amanda,

Please find attached Plaintiffs' proposal for resolving disputes to Facebook's categorical privilege log. We look forward to your thoughts.

Regards,
Josh

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From: Machin, Amanda C. <AMachin@gibsondunn.com>
Sent: Tuesday, April 12, 2022 4:02 PM
To: Emma Wright <ewright@kellerrohrback.com>
Cc: Lesley Weaver <lweaver@bfalaw.com>; Anne Davis <adavis@bfalaw.com>; Matthew Melamed <mmelamed@bfalaw.com>; Derek Loeser <dloeser@kellerrohrback.com>; Cari Laufenberg <claufenberg@kellerrohrback.com>; David Ko <dko@kellerrohrback.com>; Eric Fierro <efierro@kellerrohrback.com>; Josh Samra <jsamra@bfalaw.com>; Adele Daniel <adaniel@kellerrohrback.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@kellerrohrback.com>; Angelica Ornelas <aornelas@bfalaw.com>; *** Service-FB-CA_MDL <Service-FB-CA_MDL@gibsondunn.com>
Subject: Re: Follow-Up to Meet and Confer re Fourth Amended Categorical Privilege Log | In re Facebook, Inc. Consumer Privacy User Profile Litigation

Thanks, Emma. We will provide that by the end of the week at the latest.

Amanda C. Machin

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On Apr 12, 2022, at 6:57 PM, Emma Wright <ewright@kellerrohrback.com> wrote:

[WARNING: External Email]

Counsel,

Thank you for following up regarding the technical issues we identified in Facebook's Fourth Amended Categorical Privilege Log. We can work with the files that you provided and integrate that information into our working copy; no need to provide an additional log.

Further, we have identified 111 additional entries that appear to have text exceeding the cell limits, resulting in cut-off recipient lists. Attached, please find a list of the Bates numbers of those entries, as well as the Email BCC field that we believe to be truncated. If you could provide the full recipient information for these documents in the same .DAT format, that would be appreciated.

Thank you,

Emma

Emma Wright
Keller Rohrback L.L.P.

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Pronouns: she/her

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From: Machin, Amanda C. <AMachin@gibsondunn.com>

Sent: Monday, April 11, 2022 7:57 PM

To: Lesley Weaver <lweaver@bfalaw.com>; Anne Davis <adavis@bfalaw.com>; Matt Melamed <mmelamed@bfalaw.com>; Derek Loeser <dloeser@KellerRohrback.com>; Cari Laufenberg <claufenberg@KellerRohrback.com>; David Ko <dko@KellerRohrback.com>; Eric Fierro <efierro@kellerrohrback.com>; Josh Samra <jsamra@bfalaw.com>; Emma Wright <ewright@kellerrohrback.com>; Adele A. Daniel <ADaniel@KellerRohrback.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@KellerRohrback.com>; Angelica Ornelas <aornelas@bfalaw.com>

Cc: *** Service-FB-CA_MDL <Service-FB-CA_MDL@gibsondunn.com>

Subject: Follow-Up to Meet and Confer re Fourth Amended Categorical Privilege Log | In re Facebook, Inc. Consumer Privacy User Profile Litigation

Counsel,

As discussed on the parties' April 5 meet and confer, I write to follow up regarding certain technical issues you identified in Facebook's Fourth Amended Categorical Privilege Log:

1. You identified 26 documents in Appendix C to your March 31 letter that appear to be duplicate entries. We concur that these are duplicates and can be deleted from the log.

2. You identified 37 entries in Appendix D to your March 31 letter that appeared to have “text exceeding the cell limits in Excel, resulting in cut-off recipient lists.” Attached is a .DAT file with the Bates/ID number and recipient information for each of the 37 documents in your Appendix D, as well as the four documents you identified in your March 24 letter. Specifically, this .DAT file includes the following four fields: Bates Number/Privilege Log ID, Email To, Email CC, and Email BCC.

3. You identified 81 documents in Appendix E to your March 31 letter which listed “#N/A” in the ProdBegAttach field. A spreadsheet with the correct ProdBegAttach number for these documents is attached.

Please let us know whether you would like us to provide an privilege log correcting these issues or would prefer to input them directly in your working copy that you’d mentioned.

During the parties’ meet and confer, Facebook agreed to re-review entries that you challenged “on the basis of distribution list whose members are unknown (109 entries), that the document was shared with a third party thereby destroying privilege (134 entries), and improperly asserted patent privilege (1).” Facebook also agrees to re-review the 304 entries whose designation as work product you have challenged. Although Facebook continues to believe that Special Master Garrie’s March 3, 2022 order resolves your challenge to the 1,515 entries you have identified where no counsel is present on the document, we reviewed a sample of these documents and found that many of these are internal task threads or emails from the Legal Department (for example, Michael Duffey is a member of the Legal Department responsible for sending legal hold notices). That being said, Facebook agrees to review the documents in this set in order to provide additional information that will allow you to further evaluate the privilege claims. In an effort to ensure the parties can timely resolve their outstanding disputes, Facebook will update you with the results of its re-review efforts as they stand on April 18, and will provide all results no later than April 22.

Finally, Facebook is working on a proposal that seeks to address your concerns with the categorical descriptions its privilege log uses, and expects to provide that later this week. Facebook is also reviewing the 1807 documents that were listed on its privilege log as “produced with redactions” but do not appear to have been produced. Facebook will produce these documents and/or identify their Bates numbers no later than April 22.

I believe this addresses the outstanding issues from the parties’ meet and confer, as well as the demands made in your April 7 letter. Please let us know if you disagree so that we may address any remaining questions ASAP.

Thanks,
Amanda

Amanda C. Machin
Of Counsel

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<Facebook_PrivLog_AddtlTruncatedBCC.xlsx>

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